

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MCK Millennium Centre Retail LLC	)	Chapter 11
Debtor	)	
	)	Case No. 16-06369
	)	
	)	Hon. Jack B. Schmetterer

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that on Friday, May 5, 2017, at the hour of 2:00 p.m., I shall appear before the Honorable Jack B. Schmetterer or any judge sitting in his stead, in Courtroom 682 of the United States Courthouse, 219 S. Dearborn Street, Chicago, Illinois and then and there present DEBTOR'S MOTION TO COMPEL DISCOVERY RESPONSES, which is attached.

Respectfully submitted,

By: /s/ Jonathan D. Golding  
Attorney for the Debtor

Jonathan D. Golding, Esq. (ARDC# 6299876)  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he caused a copy of the attached DEBTOR'S MOTION TO COMPEL DISCOVERY RESPONSES with attached proposed order to be filed with the Clerk of the U. S. Bankruptcy Court, Northern District of Illinois, using the CM/ECF filing system on this May 2nd, 2017, and served by ECF notification to:

Paul Tsakiris  
c/o Howard L. Teplinsky  
Beermann Pritikin Mirabelli Swerdlove  
hteplinsky@beermannlaw.com

/s/ Jonathan D. Golding

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MCK Millennium Centre Retail LLC	)	Chapter 11
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**DEBTOR'S MOTION TO COMPEL DISCOVERY**  
**RESPONSES FROM PAUL TSAKIRIS**

NOW COMES MCK Millennium Centre Retail LLC, Debtor and Debtor-In-Possession, by and through its attorneys, The Golding Law Offices, P. C., and move this court for entry of an order compelling claimant Paul Tsakiris ("Tsakiris") to comply with Debtor's discovery requests and to impose sanctions related thereto, and in support of states the following:

1. The Debtor has pending an objection to Claim 4 of Paul Tsakiris. Trial is set for June 15-16, 2017.
2. On March 3, 2017, the Court entered the Final Pretrial Order [Doc. 202] which provides for a seven day response time to discovery. See Exhibit A attached hereto and made a part hereof.
3. On April 14, 2017, the Debtor served Tsakiris by U.S. Mail and by electronic mail to Tsakiris' counsel the interrogatories and document requests attached hereto as Exhibits B and C and made a part hereof.
4. Tsakiris' responses to these discovery requests were due on April 21, 2017.
5. Tsakiris has failed to produce documents requested under FRCP 34 made applicable by FRBP 7034.
6. On April 28, 2017, Debtor's counsel emailed Tsakiris' counsel asking for the discovery responses.
7. On May 1, 2017, counsel for Tsakiris filed a motion to withdraw as counsel.

8. Pursuant to Local Rule 7037-1, counsel for the Debtor and counsel for Tsakiris spoke by telephone at approximately 5pm on May 1, 2017.

9. After good faith attempts to resolve differences, it became clear that the discovery responses were unlikely to be forthcoming.

10. Tsakiris' responses are necessary to support Tsakiris' claim and the Debtor's objection thereto.

11. The Final Pretrial Order provides "Failure to comply with any portion of this Order will result in appropriate sanctions under Fed. R. Civ. P. 16 (Fed. R. Bankr. P. 7016) unless non-compliance is excused for good cause."

12. Pursuant to FRCP 16, the Debtor asks that Tsakiris be sanctioned and barred from presenting evidence at trial.

13. Pursuant to FRCP 16, the Debtor asks that Tsakiris be sanctioned and ordered to pay the Debtor's reasonable expenses incurred in the making of this motion, including attorney fees.

14. FRCP 37, made applicable through FRBP 7037, provides that Tsakiris shall pay the Debtor's reasonable expenses incurred in the making of this motion, including attorney fees.

15. Pursuant to FRCP 37, the Debtor asks that Tsakiris be sanctioned and ordered to pay the Debtor's reasonable expenses incurred in the making of this motion, including attorney fees.

WHEREFORE, Debtor MCK Millennium Centre Retail LLC, prays for entry of an order by this Court (i) compelling Paul Tsakiris to respond to the Debtor's discovery requests within three (3) days; (ii) barring Tsakiris from presenting evidence at trial pursuant to FRCP 16; (iii) ordering Tsakiris to pay the Debtor's reasonable expenses incurred in the making of this motion, including attorney fees, pursuant to FRCP 16; (iv) ordering Tsakiris to pay the Debtor's reasonable expenses incurred in the making of this motion, including attorney fees, pursuant to FRCP 37; and (v) any such and further relief as this court deems just.

Respectfully submitted,

MCK MILLENNIUM CENTRE  
RETAIL LLC

/s/ Jonathan D. Golding  
Jonathan D. Golding  
One of the Attorneys for the Debtor

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**CERTIFICATION BY DEBTOR'S COUNSEL PURSUANT TO FRCP 37**

Pursuant to FRCP 37, made applicable by FRBP 7037, and Local Rule 7037-1, undersigned counsel in good faith conferred with counsel for Paul Tsakiris on May 1, 2017 in an effort to obtain the responses sought herein without court action.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 2, 2017.

/s/ Jonathan D. Golding  
Jonathan D. Golding  
One of the Attorneys for the Debtor